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TO : Examiner K. A. CanellaCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO. : 703-872-9306FROM : Alan J. Morrison, Esq.TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 6DATE December 23, 2002 TIME:CLIENT/DOCKET: 58044-A (Serial No.: 09/724,254)

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Dkt. 58044-A/JPW/AJM/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Riccardo Dalla-Favera
Serial No.: 09/724,254 Examiner: K. A. Canella
Filed : November 28, 2000 Group Art Unit: 1642
For : ISOLATION OF FIVE NOVEL GENES CODING FOR NEW FC
RECEPTORS-TYPE MELANOMA INVOLVED IN THE
PATHOGENESIS OF LYMPHOMA/MYELOMA

1185 Avenue of the Americas
New York, NY 10036
December 23, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**SUPPLEMENTAL COMMUNICATION IN RESPONSE
TO NOVEMBER 20, 2002 RESTRICTION REQUIREMENT
AND PETITION FOR A ONE-MONTH EXTENSION OF TIME**

This Supplemental Communication is submitted in response to the November 20, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the November 20, 2002 Office Action was originally due December 20, 2002. Applicant hereby requests a one-month extension of time for responding. The fee for a one-month extension is \$55.00, and authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125. Accordingly, this Communication is being timely filed.

As stated earlier today in a telephone message to Examiner K. Canella from applicant's undersigned attorney, this Supplemental

Applicant : Riccardo Dalla Favera
Serial No.: 09/724,254
Filed : November 28, 2000
Page 2

Communication follows applicant's Communication sent by first class mail on December 20, 2002, in response to the November 20, 2002 Office Action. In the December 20 Communication, applicant elected to prosecute claims 1-25 directed to nucleic acids. Applicant respectfully requests that the Examiner disregard applicant's election of claims 1-25, and instead enter applicant's election set forth hereinbelow.

In the Office Action, the Examiner restricted pending claims 1-25 and 33-47 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

- I. Claims 1-25, drawn to isolated nucleic acids encoding IRTA1, IRTA2, IRTA3, IRTA4, and IRTA5, vectors and host cells thereof;
- II. Claims 33-42, drawn to the purified proteins of the isolated nucleic acids of Group I; and
- III. Claims 43-47, drawn to antibodies which bind to the proteins of Group II.

In addition, the Examiner indicated that the following secondary election must be made, as the application allegedly contains claims to the following patentably distinct species of the claimed invention: IRTA1, IRTA2, IRTA3, IRTA4 and IRTA5 nucleic acids encoding respective protein species and antibodies which bind to these protein species.